

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CLEVELAND ROLLARSON,

Petitioner,

v.

ON HABEAS CORPUS,

Respondent.

No. 1:24-cv-01527-KES-SAB (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING  
PETITION FOR WRIT OF HABEAS  
CORPUS, DIRECTING CLERK OF COURT  
TO CLOSE CASE, AND DECLINING TO  
ISSUE A CERTIFICATE OF  
APPEALABILITY

(Doc. 5)

Petitioner Cleveland Rollarson is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 23, 2005, the assigned magistrate judge issued findings and recommendations that recommended dismissing the petition. Doc. 5. On February 24, 2025, petitioner filed objections. Doc. 6.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of the case. Having carefully reviewed the entire file, including petitioner's objections, the Court holds the findings and recommendations to be supported by the record and proper analysis.

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1 A petitioner seeking a writ of habeas corpus has no absolute entitlement to appeal, rather  
2 an appeal is only allowed in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–36  
3 (2003); 28 U.S.C. § 2253. If a court denies a habeas petition on the merits, the court may only  
4 issue a certificate of appealability “if jurists of reason could disagree with the district court’s  
5 resolution of [the petitioner’s] constitutional claims or that jurists could conclude the issues  
6 presented are adequate to deserve encouragement to proceed further.” *Miller-El*, 537 U.S. at 327;  
7 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the petitioner is not required to prove the  
8 merits of his case, he must demonstrate “something more than the absence of frivolity or the  
9 existence of mere good faith on his . . . part.” *Miller-El*, 537 U.S. at 338.

10 The Court finds that reasonable jurists would not find the Court’s determination that the  
11 petition should be denied debatable or wrong, or that the issues presented are deserving of  
12 encouragement to proceed further. Petitioner has not made the required substantial showing of  
13 the denial of a constitutional right. Therefore, the Court declines to issue a certificate of  
14 appealability.

15 Accordingly:

- 16 1. The findings and recommendations issued on January 23, 2005, Doc. 5, are  
17 ADOPTED in full;
- 18 2. The petition for writ of habeas corpus is DISMISSED;
- 19 3. The Clerk of Court is directed to close the case; and
- 20 4. The Court declines to issue a certificate of appealability.

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23 IT IS SO ORDERED.

24 Dated: March 27, 2025

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UNITED STATES DISTRICT JUDGE